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**CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS**

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

RAMON MONTEMAYOR CANTU,

Petitioner,

v.

ALBERTO R. GONZALES, Attorney
General,

Respondent.

No. 04-74193

Agency No. A72-092-668

MEMORANDUM^{*}

On Petition for Review of an Order of the
Board of Immigration Appeals

Submitted February 13, 2006^{**}

Before: FERNANDEZ, RYMER, and BYBEE, Circuit Judges.

Ramon Montemayor Cantu, a native and citizen of Mexico, petitions pro se for review of the Board of Immigration Appeals' ("BIA") decision affirming an immigration judge's order denying his application for cancellation of removal on

^{*} This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.

^{**} The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

the ground that Cantu had been convicted of a crime involving moral turpitude. We have jurisdiction under 8 U.S.C. § 1252. We review de novo constitutional challenges and questions of law, *Notash v. Gonzales*, 427 F.3d 693, 696 (9th Cir. 2005), and we deny the petition for review.

The BIA correctly determined that Cantu's conviction for grand theft constitutes a crime involving moral turpitude, *see Rashtabadi v. INS*, 23 F.3d 1562, 1568 (9th Cir. 1994) (indicating that a theft conviction under Cal. Penal Code § 487.1 qualifies as a crime of moral turpitude), and that Cantu could not utilize the petty offense exception because he was convicted of a felony, *see Garcia-Lopez v. Ashcroft*, 334 F.3d 840, 843 (9th Cir. 2003) (indicating that a California state criminal conviction is classified as a felony when the sentence imposed exceeds one year).

All remaining contentions are unpersuasive.

PETITION FOR REVIEW DENIED